

students. Nancy Lee Crampton-Brophy told us she and her husband had decided to buy a handgun in February of this year after hearing about the school shooting in Florida. Nancy Lee Crampton-Brophy told us she believed it was still at the house, but had not looked at it recently. Nancy Lee Crampton-Brophy said they had not used it as they were not really people that were familiar with guns. Nancy Lee Crampton-Brophy described the gun as a Glock handgun in 9mm caliber.

While Nancy Lee Crampton-Brophy was at the institute with us we asked if we could drive her back home and check if the firearm was still at the house, as we were unsure if Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been used against him in some way. Nancy Lee Crampton-Brophy agreed and Detective Beniga and Detective Broughton travelled with her back to her house to check the condition of the firearm. I observed the vehicle Nancy Lee Crampton-Brophy was driving was a gray colored Toyota Sienna mini-van with a roof rack and tinted windows. Detective Beniga later told me Nancy Lee Crampton-Brophy gave the Glock handgun to them for safekeeping. The gun was found in its box without ammunition along with magazines and the slide zip-tied through the barrel.

During this investigation I conducted a canvas for video surveillance from the surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative technique designed to locate and identify potential suspects, suspect transportation, and avenues of escape by the perpetrator. I had been informed by Detective Merrill that the Bellagio's Pizza restaurant located across the street from the Oregon Culinary Institute had a security surveillance system and had a camera that covered the street just north of the institute.

While watching the video at the Bellagio's location I observed a vehicle drive west bound on SW Jefferson Street from the area of the Oregon Culinary Institute. The vehicle looked just like the mini-van driven by Nancy Lee Crampton-Brophy. The time the mini-van travels west from the area of the institute was 0728 hours (AM) as adjusted from the surveillance system that was synced to Eastern Standard Time. The mini-van on the video appeared to be driven by a subject who had gray hair. As Detective Beniga was at the house of Nancy Lee Crampton-Brophy we asked him to take some pictures of her vehicle in order to compare it with the video. Detective Beniga told me when he was taking pictures of the mini-van, and Nancy Lee Crampton-Brophy made an excited utterance stating she was not at the Oregon Culinary Institute the morning of her husband's death.

The information developed from the crime scene and the autopsy conducted the following day determined the bullets involved in the shooting were 9mm in caliber and were fired by a semi-auto type handgun. I was also able to find from the institute staff that Daniel Brophy had deactivated the alarm for the institute building at 0721 hours on June 2, 2018.

I also took time to compare the surveillance video with the pictures of Nancy Lee Crampton-Brophy's mini-van. As I observed the photos I noted an older scratch with indentation of the driver's side rear quarter panel between the top of the rear wheel well and the fuel door. The scratch/indentation was rusted and had been on the vehicle for some period of time. As I was able to view the video with a better monitor, I could see the same deformation in the mini-van on the Bellagio's Pizza surveillance video. I could also see the driver's appearance was consistent to Nancy Lee Crampton-Brophy's appearance. I also noted that at one point in the video it appeared she had her hand up

to her left ear as if using a cell phone while waiting for the light to change at SW Jefferson and SW 18th Avenue.

After further canvassing I noted we were able to find additional video that pictured the same van at the same time frames circling the area at 0708 hours and then traveling west bound on SW Jefferson Street at 0728 hours away from the Oregon Culinary Institute heading towards Beaverton Oregon.

Based on the above listed articulable facts, I have probable cause to believe the crime of Criminal Homicide (ORS 163.005) occurred on June 2, 2018, and Nancy Lee Crampton-Brophy was involved in this crime, in the City of Portland, County of Multnomah, and State of Oregon.

On June 18, 2018 I reviewed information sent to me from AT&T Wireless regarding the warrant/order signed by Judge Stephen K. Bushong and sent to them June 6, 2018. I found after talking to an AT&T Wireless representative they had not recognized certain language used in the warrant and so did not fulfill what was supposed to be all electronic contact conducted by the phone device with the cell site tower as Visitor Location Register (VLR). According to the AT&T representative this information is contained in what is called the Historical Precision Location information for the respective handset. Also the communication information did not include text messages sent and received through the cell sites as this is separated from voice calls registered to the cell sites. This warrant is not seeking the content of the text messages, but strictly looking for any and all contact conducted by the phone belonging to Nancy Brophy with phone number [REDACTED] that would provide cell site location/sector

information for the handset.

Given the nature of the investigation, a further record of the historical movements of Nancy Brophy leading up to June 2, 2018 are important to the case, in order to show or negate a change of schedule or difference in places visited on particular days of the week. The information could indicate or negate if Nancy Brophy made a significant change in behavior or actions for Saturday, June 2, 2018, the day of Daniel Brophy's murder. Because of this potential information I am asking for an extension to the information regarding Historical Precision Location (HPL) information from May 2, 2018 through June 2, 2018.

PRAYER

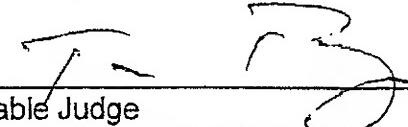
Therefore, your applicant requests that the court issue an order authorizing release of the location of cell site/sector (physical address) at the call origination (for outbound calling), call termination (for incoming calls), and during the progress of a call, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, as well as the Visitor Location Register (VLR) information for the Subject Telephone Number, and Historical Precision Location information specific to AT&T Wireless to include any reports of device activity that would provide the approximate latitude and longitude of the device which will help reveal the general geographical position and movement of the cellular phone handset subscribed to the Subject Telephone Number from May 2, 2018 through June 2, 2018.

Date: 6-14-2018


Detective Darren Posey, PPB

Subscribed and Sworn to before me on

6/14/2018


Honorable Judge
Multnomah County Circuit Court

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MULTNOMAH

IN RE:

PPB CASE NUMBER 18-183742

AT&T Wireless
11760 US Hwy 1
North Palm Beach, Florida 33408

PHONE NUMBER: [REDACTED]

COURT ORDER AND WARRANT
UNDER SEAL FOR COURT ORDER
AND SEARCH WARRANT
AUTHORIZING RELEASE
OF HISTORICAL ELECTRONICALLY
STORED CELL SITE/SECTOR
INFORMATION AND CELL PHONE
VISITOR LOCATION REGISTER (VLR)
INFORMATION and HISTORICAL
PRECISION LOCATION INFORMATION

TK 6/19/18
ORDER / ADDENDUM

Whereas an application has been made by Detective Darren Posey of the Portland Police Bureau, pursuant to Oregon Revised Statutes (ORS) 165.657 to 165.673 and 18 United States Code Section 2701-2712, 3121-3127 for an order authorizing the release of electronically stored historical cell site/sector information, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, and the Historical Precision Location Information as the applicant has both certified and provided specific and articulable facts that the information likely to be obtained by such installation, use, and disclosure is material and relevant to an ongoing criminal investigation, and there is probable cause to believe that the crimes of Criminal Homicide (ORS 163.005), being investigated occurred in Multnomah County, State of Oregon,

it is hereby authorized by this Court and Ordered that the cellular telephone provider AT&T Wireless upon request of the Portland Police Bureau, shall provide the following information and services without delay:

Release the electronically stored cell site/sectors related to the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for incoming calls) and during the progress of a call, the direction and strength of signal, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, and the Historical Precision Location Information for handset with assigned number [REDACTED] hereinafter the Subject Telephone Number) from May 2, 2018 at 0000 hours to June 2, 2018 at 2400 hours, regarding the Subject Telephone Number.

IT IS FURTHER ORDERED, that this application and Order can be FAXED and/or EMAILED to the cellular telephone provider AT&T Wireless, and that the cellular telephone providers' employees and/or agents are authorized to conduct the actual search of their records and seize said evidence then provide the relevant documents to the Portland Police Bureau and Detective Darren Posey for subsequent review and use;

IT IS FURTHER ORDERED that law enforcement and non-law enforcement personnel, including agents of the Oregon Department of Justice (DOJ) are authorized to search, seize, review and use all information provided;

IT IS FURTHER ORDERED, that the wireless carrier be compensated by the investigative agency for reasonable expenses incurred in providing technical assistance; and,

IT IS FURTHER ORDERED that the wireless carrier provide immediately, without unnecessary delay, electronically stored cell site/sectors related to the location of cell site/sector (physical address) at call origination (for outbound calling), call termination (for

incoming calls) and during the progress of a call, the direction and strength of signal, and Visitor Location Register (VLR) information, along with all text message and or SMS/MMS message transmissions providing the direction and strength of the signal, and the Historical Precision Location Information for the Subject Telephone Number from May 2, 2018 at 0000 hours to June 2, 2018 at 2400 hours, regarding the Subject Telephone Number;

Good Cause having been shown, IT IS FURTHER ORDERED that this Order and affidavit be sealed until otherwise ordered by the court, that the identity of the target of the underlying criminal investigation may be redacted from any copy of this Order to be served on any service provider or other person, and that the wireless carrier and its representatives, agents and employees shall not disclose in any manner, directly or indirectly, by any action or inaction, the existence of this Order or the existence of the above-described investigation, to the listed subscriber for the Subject Telephone Number, the occupant of said premises, the subscribers of the incoming calls to or outgoing calls from the Subject Telephone Number, or to any other person, in full or redacted form, unless or until otherwise ordered by the court.

IT IS SO ORDERED


The Honorable Judge
Multnomah County Circuit Court Judge

Signed this 19th day of June 2018.

Attachment 2

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 MULTNOMAH COUNTY

3 STATE OF OREGON

AFFIDAVIT FOR

4 COUNTY OF MULTNOMAH

SEARCH WARRANT

5

6 I, Anthony J. Merrill, upon my oath, do hereby depose and say that:

7 I am employed as a Detective with the Portland Police Bureau (PPB) and have been a police officer
8 for over twenty years. I have a Bachelor of Arts Degree with a major in Political Science. I am currently
9 assigned to the Detective Division and work as a member of the Homicide Detail for over the last seven
10 years. I have attended and completed the Oregon State Basic Police Academy, the Portland Police
11 Bureau Advanced Academy, and the Portland Police Bureau Detectives' Academy. I was also assigned
12 previously as a Detective to the Tactical Operations Division as a member of the Gang Enforcement
13 Team, Robbery, Cold Case Homicide, Afternoon General Assignment, Fraud, and Assault Details. I have
14 received training from Wicklander-Zulawski & Associates in Interview and Interrogation, Third Degree
15 Communications, Inc. in Interview and Interrogation and Robbery Investigations, Inside the Tape in
16 Homicide and Crime Scene Management training, and multiple, annual Oregon Homicide Investigator
17 Association conferences of which I am a member and have presented multiple case studies. I was
18 assigned as a Patrol Officer at Central Precinct on afternoon and morning shifts for four years, a Street
19 Crimes Specialty Unit Officer for one and a half years, a School Resource Officer for two and a half
20 years, and a Mayor's Protective Detail Officer for one year.

22 That I am seeking a search warrant for all life and or accidental insurance policy records,
23 any audio and/or video recordings of anyone regarding any policies for Daniel Brophy and
24 Nancy Brophy. Any written correspondence between Daniel Brophy and/or Nancy Brophy with
25 the insurance carrier. Any other documentation pertinent to the purchase and collection of life
26

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3 insurance policies for Daniel Brophy. For all policies in the name of Nancy Lee Crampton
4 Brophy, an adult white female, with date of birth [REDACTED] and social security [REDACTED]
5 and in the name of Daniel Craig Brophy, an adult white male, with date of birth [REDACTED] and
6 social security [REDACTED] for the following nine (9) identified insurance companies:

7

8 1) Foresters Insurance with \$40,000 face value benefit located at PO Box 179, Buffalo,
9 NY 14201 – (800)-828-1540;

10

11 2) Fidelity and Guarantee Life Insurance with \$100,000 face value benefit located at PO
12 Box 81497, Lincoln, NE 68501 – (888)-513-8797

13

14 3) Lincoln National Life Insurance with \$100,000 face value benefit located at PO Box
15 2616, Omaha, NE 68103 – (800)-423-2765;

16

17 4) Mutual of Omaha with \$250,000 face value benefit located at 3300 Mutual of Omaha
18 Plaza, Omaha, NE 68175 – (800)-775-6000;

19

20 5) American-Amicable Life Insurance with \$200,000 face value benefit located at PO
21 Box 2549, Waco, TX 76702 – (800)-736-7311;

22

23 6) Americo Insurance with \$100,000 face value benefit located at PO Box 410288,
24 Kansas, MO 64141 – (800) 231-0801;

25

26 7) SAIF Corporation with \$8,310.51 paid benefits to NANCY BROPHY, (Total

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3 valuation \$438,984.33), located at 440 Church Street SE, Salem, OR 97321 - (800)-
4 285-8525;

5

6 8) Life Map Insurance with \$2,500 face value benefit located at PO Box, 1271,
7 Portland, OR 97207 (SEIU Union) - (800)-286-1129;

8

9 9) Aviva Life and Annuity Company with an unknown face value located at 611 Fifth
10 Avenue, Des Moines, IA 50309 - (800)-800-9882;

11

12 The following information is provided to establish probable cause relative to the
13 information sought in this affidavit, and may not necessarily contain all of the facts and
14 circumstances I am aware of relative to this ongoing investigation.

15

16 That On June 2, 2018 I was directed to respond to the Oregon Culinary Institute at 1701
17 SW Jefferson Street, City of Portland, County of Multnomah, State of Oregon to conduct an
18 investigation related to the homicidal death of Daniel C. Brophy. The assigned Case Number is
19 18-183742. During the course of this investigation, Detective Darren Posey, (DPSST #29521),
20 and I oversaw the collection of information from the crime scene located in and around the
21 Oregon Culinary Institute located at 1701 SW Jefferson Street, City of Portland, Multnomah
22 County, and State of Oregon.

23

24 After reviewing the initial police response, talking to officers present at the scene and
25 debriefing with other investigators who were present, the following information has been
26 developed regarding Case Number 18-183742. I was informed by Sergeant Whattam that police

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3 were called to respond to investigate a subject who had been recently shot with a gun and had
4 died in one of the kitchen areas of the Oregon Culinary Institute at 0823 hours on June 2, 2018.
5 The subject who had been killed was identified as Daniel C. Brophy who was an employed
6 instructor at the Oregon Culinary Institute. I personally observed that Daniel C. Brophy's injuries
7 were such that they could not have been self-inflicted, and no firearm was located at the scene.
8 The location of the crime occurred inside the institute, and I learned from staff and personal
9 observation the institute did not have any security surveillance camera systems. After contacting
10 the students and other staff members responding officers were not able to identify any eye-
11 witnesses who had heard or seen the actual crime occur. During the initial interviews with
12 institute administrators I was unable to identify any subjects who had a current grudge or dispute
13 with Daniel C. Brophy.

14

15 While at the location of occurrence, Detective Posey and I conducted an audio recorded
16 interview with the wife of Daniel C. Brophy. The wife's name is Nancy Lee Crampton Brophy.
17 Nancy Lee Crampton Brophy told us she had come to the Oregon Culinary Institute because a
18 friend had called her about an incident at the institute and it was on the news. Nancy Lee
19 Crampton Brophy told me she had attempted to call Daniel C. Brophy without result. We spoke
20 to Nancy Lee Crampton Brophy in order to determine when Daniel C. Brophy left his home and
21 what routines he keeps in the morning. Nancy Lee Crampton Brophy provided a timeline for
22 when Daniel C. Brophy had left their house that morning and she also provided some
23 background information about her husband. Nancy Lee Crampton Brophy told us she believed
24 Daniel C. Brophy left their residence in Beaverton sometime around 0705 hours and would have
25 arrived at the institute about ten minutes or so later as they only live about five miles away.
26 Nancy Lee Crampton Brophy also indicated she was at home at the time her husband left the

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3 house. Nancy Lee Crampton Brophy told us she did not know of any dispute or problem with
4 any person that would provide a motive for this incident. Nancy Lee Crampton Brophy told us
5 Daniel C. Brophy was well liked at the institute and with the students. Nancy Lee Crampton
6 Brophy told us she and her husband had decided to buy a handgun in February of this year
7 (2018) after hearing about the school shooting in Florida. Nancy Lee Crampton Brophy told us
8 she believed it was still at the house, but had not looked at it recently. Nancy Lee Crampton
9 Brophy said they had not used it as they were not really people that were familiar with guns.
10 Nancy Lee Crampton Brophy described the gun as a Glock handgun in 9mm caliber.

11

12 While Nancy Lee Crampton Brophy was at the Culinary Institute with us we asked if we
13 could drive her back home and check if the firearm was still at the house, as we were unsure if
14 Daniel C. Brophy may have had the gun with him at the Institute for protection, and it had been
15 used against him in some way. Nancy Lee Crampton Brophy agreed, and Detective Beniga and
16 Detective Broughton travelled with her back to her house to check the condition of the firearm.
17 Detective Posey and I observed the vehicle Nancy Lee Crampton Brophy was driving was a gray
18 colored Toyota Sienna mini-van with a roof rack and tinted windows. A set of pictures were
19 taken of the vehicle Nancy Lee Crampton Brophy was driving by Detective Beniga.

20

21 Detective Beniga later told me Nancy Lee Crampton Brophy gave the Glock 9mm
22 handgun to them for safekeeping. The gun was found in its box without ammunition along with
23 magazines and the slide zip-tied through the barrel.

24

25 During this investigation a canvas for video surveillance was conducted of the
26 surrounding businesses located by the Oregon Culinary Institute. This canvas is an investigative

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3 technique designed to locate and identify potential suspects, suspect transportation, and avenues
4 of escape by the perpetrator. I saw that the Bellagio's Pizza restaurant located across the street
5 from the Oregon Culinary Institute had a security surveillance system and had a camera that
6 covered SW Jefferson Street just west of the Culinary Institute.

7

8 While watching the video at the Bellagio's location, Detective Posey noticed and I
9 observed a dark colored minivan drive west bound on SW Jefferson Street from the area of the
10 Oregon Culinary Institute. The vehicle looked just like the mini-van driven by Nancy Lee
11 Crampton Brophy. The time the mini-van travels west from the area of the institute was 0728
12 hours (AM) as adjusted from the surveillance system that was synced to Eastern Standard Time.
13 The mini-van on the video appeared to be driven by a subject who had gray hair. As Detective
14 Beniga was at the house of Nancy Lee Crampton Brophy we asked him to take some pictures of
15 her vehicle in order to compare it with the video. Detective Beniga told me when he was taking
16 pictures of the mini-van; Nancy Lee Crampton Brophy spontaneously stated, "Why? I wasn't
17 there this morning, I was at home."

18

19 The information developed from the crime scene and the autopsy conducted the
20 following day determined the bullets involved in the shooting were 9mm in caliber and were
21 fired by a semi-auto type handgun. The casings found at the crime scene were stamped "sig 9mm
22 luger" with silver colored exteriors. Detective Posey was also able to find from the Oregon
23 Culinary Institute staff that Daniel Brophy had deactivated the alarm for the institute building at
24 approximately 0721 hours on June 2, 2018. From the information developed from the autopsy
25 and the initial observance by the Medical Examiner Daniel Brophy was shot in the back once and
26 shot in the chest once. Both bullet impacts were centrally oriented on his body and both bullets

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3 traversed the heart. Daniel Brophy did not have any defensive type wounds on his body. I noted
4 no items or money appeared to have been taken from Daniel Brophy and no sign of a struggle or
5 disturbance was present at the crime scene. Further, no items were found to be disturbed or
6 missing from the Oregon Culinary Institute.

7

8 During the initial investigation the cell phone belonging to Daniel Brophy the deceased
9 victim was located on his person during the incident. The phone was seized as evidence and its
10 information downloaded by Detectives in order to preserve the evidence. Detective Posey told
11 me he personally reviewed the information on the phone in an attempt to discover possible
12 motive and suspect information related to Daniel Brophy's murder. During the review Detective
13 Posey told me he found a website book mark for the title "10 ways to cover up a murder."
14 Detective Posey told me he later had contact with Nancy Brophy who confirmed she and Daniel
15 Brophy had a shared Apple I-Tunes account for their phones. Detective Posey told me from his
16 research into Apple's I-Tune family sharing plans, he knew that internet searches and bookmarks
17 are saved to the accounts search history and viewable from any phone attached to the account. I
18 know from talking to Nancy Lee Crampton Brophy she is a romance novelist and has several
19 books published. I also know from my investigation and interview with Nancy Lee Crampton
20 Brophy she is involved with medical insurance counseling and is familiar with life insurance
21 programs.

22

23 Detective Posey and I also took time to compare the surveillance video with the pictures
24 of Nancy Lee Crampton Brophy's mini-van. As Detective Posey and I observed the photos,
25 Detective Posey told me he noted an older scratch with indentation of the driver's side rear
26 quarter panel between the top of the rear wheel well and the fuel door. The scratch/indentation

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3 was rusted and had been on the vehicle for some period of time. As Detective Posey was able to
4 view the video with a better monitor, he could see the same deformation in the mini-van on the
5 Bellagio's Pizza surveillance video. I could also see the driver's appearance was consistent to
6 Nancy Lee Crampton Brophy's appearance.

7

8 After further canvassing I noted we were able to find additional video that pictured the
9 same mini-van at the same time frames circling the area at 0708 hours. Located to the west of the
10 Culinary Institute is a MAX platform called the Goose Hollow Station and has a series of camera
11 systems. Detective Posey and I were able to secure the platform video for this station from 0630
12 hours to 0730 hours. Detective Posey and I later reviewed these videos and were able to locate a
13 van matching the description of the Toyota Sienna belonging to Nancy Lee Crampton Brophy
14 driving in towards the Oregon Culinary Institute at 0641 hours from the west. In one of the
15 videos we were able to identify a portion of the license plate on the gray colored Toyota Sienna
16 mini-van. The viewable digits are "67 B." I was not able to specifically identify the first digit and
17 the last two digits listed on the license plate, but I was able to narrow what is seen into a range of
18 possible digits. The first digit of the plate could be a "0," but it is not completely clear enough to
19 be sure in my estimation. The other digits of the plate observed are consistent with "Q" and "X,"
20 but could also possibly be a "D" and a "K." The license plate for the Toyota Sienna mini-van
21 belonging to Nancy Lee Crampton Brophy is assigned Oregon State License number "067
22 BQX." Detective Posey told me he knew from his own internet research that Toyota made the
23 same body and light configuration for the Sienna mini-van for 2004 and 2005 models, and that
24 the Toyota Sienna mini-van registered to Daniel Brophy match that model seen in the video
25 surveillance I viewed. An Oregon DMV search indicates about 21 vehicles licensed in the State
26 of Oregon to 2004 and 2005 Toyota Sienna vans could fit this partial license plate combination.

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The other videos recovered and viewed were able to document a general area of travel for the mini-van. The van is seen arriving on SW Jefferson Street and SW 20th Avenue heading east towards the Oregon Culinary Institute at 0641 hours. The vehicle is seen heading north on SW 18th Avenue. The van is later seen stopping in front of KGW Studios on SW Jefferson east of the Oregon Culinary Institute. The vehicle waits a short period of time then drives west by another camera located at 1734 SW Jefferson Street and continues west travelling by Bellagios Restaurant at 0708 hours. Detective Posey told me the van is then seen traversing the roundabout at SW Jefferson and SW 18th Avenue where it is encountered by a PGE video security camera located at SW Columbia Street and SW 16th Avenue. Detective Posey told me on this camera the mini-van turns left and drives north on SW 17th Avenue towards the Oregon Culinary Institute one block away. The vehicle is not seen driving by the other cameras until 0728 hours as it drives by Bellagios Restaurant again as it heads west towards Beaverton. The vehicle is also observed again at the Goose Hollow Tri-Met Station continuing west on NW Jefferson Street and out of view heading towards Beaverton Oregon. Based on the totality of this information I believe Nancy Lee Crampton Brophy was circling the area in her dark colored mini-van prior to Daniel C. Brophy's arrival at the Oregon Culinary Institute, and Nancy Lee Crampton Brophy was watching for Daniel C. Brophy's arrival in order to effect his eventual murder.

22 It should be noted Detective Posey told me a court order/warrant was served on the
23 AT&T account for the cell phone number of Nancy Lee Crampton Brophy for the historical
24 location information for the phone. The return of the warrant information requested is still being
25 analyzed, but Detective Posey told me the initial indication shows the phone located in the area
26 of Nancy Lee Crampton Brophy's residence in Beaverton Oregon during the time of the incident

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3 when Daniel Brophy was murdered. According to the initial analysis from the Detective Division
4 crime analyst, Nancy Lee Crampton Brophy's phone was not used but was on and connected to a
5 nearby cell site.

6

7 During this investigation I spoke to Nathaniel Stillwater the son of Daniel Brophy on
8 June 27, 2018. During our conversation I learned Nancy Lee Crampton Brophy used to sell life
9 insurance. I also found Nathaniel Stillwater was unaware of the recent purchase of a handgun by
10 Nancy Lee Crampton Brophy. Nathaniel Stillwater told us he was surprised about the purchase
11 of the gun, and thought it was odd as he did not know they were considering such a purchase.
12 Nathaniel Stillwater told us he did not consider Nancy Lee Crampton Brophy or his father to be
13 the type of people to own a gun. Nathaniel Stillwater told us he is familiar with firearms and
14 owns several firearms for hunting and sporting activities. Nathaniel Stillwater told us his father
15 knew this about him, and he thought his father would have likely talked to him about such a
16 purchase.

17

18 Nancy Lee Crampton Brophy told me she purchased the firearm at a gun show in
19 February 2018, and she had not used the gun or had any ammunition to load into the firearm.
20 When she gave the firearm to Detective Beniga she also provided a copy of the purchase receipt.
21 The receipt listed J&B Firearm Sales as the vendor who sold the firearm to Nancy Lee Crampton
22 Brophy. I confirmed the serial number on the firearm matched that of the receipt. I went to J&B
23 Firearms located at 10201SW Beaverton-Hillsdale Highway in Beaverton Oregon. Detective
24 Posey and I spoke with the employees there and they informed us that when they sell firearms at
25 the gun shows they do not sell ammunition. The employees showed us the type of zip ties they
26 use for securing weapons at the gun shows. I noted the zip tie used was similar to the one found

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3 on the gun Nancy Lee Crampton Brophy had turned over for safe keeping. While at J&B
4 Firearms I noted they had the same type of ammunition for sale that was found in the crime
5 scene. I also noted that J&B Firearms Store is located less than a mile away from Nancy Lee
6 Crampton Brophy's home address.

8 On August 29, 2018 Detective Posey told me he submitted an affidavit for a warrant to
9 test and analyze the Glock 17 firearm given to Detective Beniga and Detective Broughton for
10 safe keeping by Nancy Lee Crampton Brophy. Multnomah County Circuit Court Judge Amy
11 Holmes Hehn issued a warrant to test and analyze the Glock 17 handgun with serial number

Detective Posey told me he transferred this firearm along with the two casings and bullets recovered from the crime scene to the Oregon State Criminal Laboratory on August 29, 2018. On September 4, 2018 Detective Posey told me he spoke to Leland Samuelson the forensic scientist and firearm expert who conducted the analysis of the handgun, casings, and bullets. Detective Posey told me Leland Samuelson told him the Glock 17 handgun with serial number [REDACTED] was not the gun that fired the bullets that killed Daniel Brophy. Detective Posey told me Leland Samuelson told him the gun used to shoot the ammunition components from the crime scene was most likely a different Glock handgun of 9mm caliber. Leland Samuelson confirmed the same gun was used to fire both bullets in the murder Daniel Brophy.

On September 5, 2018 Nancy Lee Crampton Brophy was arrested and Portland Police Detectives served a search warrant on the residence and vehicle of Nancy Lee Crampton Brophy at [REDACTED] Beaverton, Oregon. During the search a silver colored HP laptop computer with serial number [REDACTED] and a black and gray colored HP laptop computer with serial number [REDACTED] were located. Also during the service of this warrant we found

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3 Nancy Lee Crampton Brophy had been in the process of moving items out of the residence.
4 Detective Posey and I were told by Nathaniel Stillwater (Son of Daniel Brophy) about a storage
5 facility that Nancy Lee Crampton Brophy had been recently storing items in from her residence.
6 The storage facility was located at [REDACTED] Detective Posey
7 told me he applied for an additional addendum warrant to search this location, and received from
8 Multnomah County Circuit Court Judge Amy Holmes Hehn on September 7, 2018 a warrant to
9 search this storage facility space. During the search of this storage space number 3035 we found
10 a 9mm Glock 19 type handgun from "GhostGuns.com." The handgun was a build kit that uses an
11 un-serialized frame so the gun does not have to be registered with governmental agencies. The
12 gun was not assembled at the time of discovery.

13

14 Detective Posey told me he contacted "GhostGuns.com" regarding purchase information
15 they might have for Nancy Lee Crampton Brophy. On September 10, 2018 Detective Posey told
16 me he received information from Kyle at "GhostGuns.com" regarding the purchase information
17 he had for Nancy Lee Crampton Brophy. Detective Posey told me he received via email an
18 invoice from December 24, 2017 for the purchase of an 80% build kit for a Glock 19, 9mm
19 handgun. The receipt was listed for "Nancy Brophy" at [REDACTED] Beaverton,
20 Oregon 97005. The card used to purchase the gun was with a Visa credit card with last four
21 digits of ' [REDACTED] believed to be associated to Nancy Lee Crampton Brophy's On Point Credit
22 Union checking account. Kyle also provided the US Postal shipping information and delivery
23 information showing a delivery on January 2nd, 2018 and a customer request for a parcel hold at
24 the post office in Beaverton, Oregon.

25

26 Detective Posey told me a separate warrant was petitioned and received to examine the

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2 **MULTNOMAH COUNTY**

3 lap top computers seized. The lap-top computers were imaged / copied in order to view the
4 information. Detective Posey told me he began viewing the information and found in the search
5 history typed information for a Glock 17 slide and barrels for sale. Through this search
6 information Detective Posey told me he found internet history indicating searches conducted for
7 Glock 17 Gen4 9mm slide and barrels for sale on EBay Incorporated. Detective Posey told me as
8 he continued the analysis of the searched items he saw Nancy Lee Crampton Brophy has an
9 associated account with "PayPal" which is a payment system used by EBay customers to pay for
10 purchases through the EBay system.

11

12 I know that the gun Nancy Lee Crampton Brophy purchased at the gun show on February
13 17, 2017 is a Glock 17 Gen4 9mm handgun. I know from my review of information found during
14 the search warrant service as well as articles written by Nancy Lee Crampton Brophy, she has
15 spent time studying and reading about police procedures as well as tactics used to conceal
16 criminal behavior. I know from my own training and experience with Glock handguns, they can
17 be manipulated in such a way so the slide and barrel from one Glock 17 handgun frame can be
18 interchanged with another handgun frame effectively changing the firearm. I know from my own
19 research and understanding of Glock firearms including my conversations with firearm experts
20 that changing the barrel and slide from one Glock frame to another Glock frame of similar model
21 will transfer the unique imprinting on the casing and bullet. I also know that the barrel and slide
22 though serialized by Glock are not registered and can be sold and purchased without making
23 notification with the Alcohol, Tobacco, and Firearms Administration (ATF) or other
24 governmental agencies.

25

26 On October 19, 2018 Detective Posey told me he received search warrants for EBay

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3 Incorporated and PayPal Incorporated from Multnomah County Circuit Court Judge Amy
4 Holmes Hehn. Detective Posey told me he served the warrants via their email portals. On
5 October 23, 2018 Detective Posey told me he received information from EBay Incorporated, and
6 on October 31, 2018 Detective Posey told me he received information from PayPal Incorporated
7 for Nancy Lee Crampton Brophy's payment and transaction history. Detective Posey told me he
8 conducted a review of the information on November 1, 2018 and found a transaction through
9 PayPal Incorporated for a purchase from Caroline Colt Company LLC. The transaction Detective
10 Posey told me he found was for \$364.99 dated on February 23, 2018, and coincided with Nancy
11 Lee Crampton Brophy's laptop computer search on EBay for a Glock 17 Gen 4 slide and barrel.
12 Detective Posey told me he checked the Caroline Colt Company LLC online and found their
13 contact information. Detective Posey told me he emailed the company and explained who he was
14 and asked if they retained information regarding transaction information for Nancy Lee
15 Crampton Brophy. On November 1, 2018 Detective Posey told me he was contacted by Patrick
16 Cowen of Caroline Colt Company LLC and he provided Detective Posey with the transaction
17 information he had for Nancy Lee Crampton Brophy. The transaction information provided by
18 Patrick Cowen showed an EBay purchase for a Glock Model 17 Gen 4 complete slide and barrel
19 9mm upper and included shipping information for February 26, 2018 to Nancy Brophy at [REDACTED]

20 [REDACTED] Beaverton Oregon with United States Postal Service tracking number
21 [REDACTED]

22
23 During this investigation a review was conducted of the documents seized during the
24 search warrant of Nancy Lee Crampton Brophy's residence, and Detective Posey and I learned
25 through this that Nancy Lee Crampton Brophy used to sell life insurance policies for various
26 companies. Detective Posey told me he also found during this review approximately nine

1 **IN THE CIRCUIT COURT OF THE STATE OF OREGON**
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3 different insurance policies where he believes Nancy Lee Crampton Brophy is the beneficiary.
4 The following is a list of the insurance company names found and the approximate face value of
5 the policy: Foresters with \$40,000 benefit, Fidelity and Guaranty Life with \$100,000 benefit,
6 Lincoln National Life Insurance with \$100,000 benefit, Mutual of Omaha with \$250,000 benefit,
7 American-Amicable Life Insurance with \$200,000 benefit, Americo Insurance with \$100,000
8 benefit, SAIF Corporation with \$8,310.00 paid benefits and a total value of \$438,984.33, Life
9 Map Insurance with \$2,500 benefit, and Aviva Life and Annuity Company with an unknown
10 face value.

11 Due to the numerous and varied life and accident insurance policies acquired for Nancy
12 Lee Crampton Brophy's benefit, it is important to determine how the policies were paid for, and
13 if the insurance policies were obtained secretly without Daniel Brophy's knowledge.

14 That I therefore ask the above-entitled court issue a search warrant for the release of all
15 life and or accidental insurance policy records, any audio and/or video recordings of anyone
16 regarding any policies for Daniel Brophy and Nancy Brophy. Any written correspondence
17 between Daniel Brophy and/or Nancy Brophy with the insurance carrier. Any other
18 documentation pertinent to the purchase and collection of life insurance policies for Daniel
19 Brophy. For all policies in the name of Nancy Lee Crampton Brophy, an adult white female,
20 with date of birth [REDACTED] and social security : [REDACTED] and in the name of Daniel Craig
21 Brophy, an adult white male, with date of birth [REDACTED] and social security : [REDACTED] for
22 the following nine (9) identified insurance companies:
23

24
25 1) Foresters Insurance with \$40,000 face value benefit located at PO Box 179,
26 Buffalo, NY 14201 - (800)-828-1540;

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3 2) Fidelity and Guarantee Life Insurance with \$100,000 face value benefit located at
4 PO Box 81497, Lincoln, NE 68501 – (888)-513-8797

5 3) Lincoln National Life Insurance with \$100,000 face value benefit located at PO
6 Box 2616, Omaha, NE 68103 – (800)-423-2765;

7 4) Mutual of Omaha with \$250,000 face value benefit located at 3300 Mutual of
8 Omaha Plaza, Omaha, NE 68175 – (800)-775-6000;

9 5) American-Amicable Life Insurance with \$200,000 face value benefit located at
10 PO Box 2549, Waco, TX 76702 – (800)-736-7311;

11 6) Americo Insurance with \$100,000 face value benefit located at PO Box 410288,
12 Kansas, MO 64141 – (800) 231-0801;

13 7) SAIF Corporation with \$8,310.51 paid benefits to NANCY BROPHY, (Total
14 valuation \$438,984.33), located at 440 Church Street SE, Salem, OR 97321 – (800)-285-8525;

15 8) Life Map Insurance with \$2,500 face value benefit located at PO Box, 1271,
16 Portland, OR 97207 (SEIU Union) – (800)-286-1129;

17 9) Aviva Life and Annuity Company with an unknown face value located at 611
18 Fifth Avenue, Des Moines, IA 50309 – (800)-800-9882;

19

20 I request the records be provided for the time period of the origination date of each policy
21 to Present. This request includes monthly account statements, withdrawal records, account
22 transfer records, banker's notes and signature cards for any and all accounts held individually or
23 jointly, open or closed for the accounts described above.

24 I know from training and experience that premature disclosure of the contents of this
25 affidavit would jeopardize the investigation because it could release information known only to
26 law enforcement investigators. This could allow information to be released that could otherwise

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3 be used to check the accuracy of information by witnesses and suspects related to this case.
4 Based on the foregoing, I request the affidavit be sealed until further ordered by the court,
5 excepting that it may be provided to the defense team in this case subject to the terms of any
6 protective order currently governing discovery in the case.

Anthony Merrill #35227
Affiant

SUBSCRIBED AND SWORN TO before me this 19th day of December 2018
12.

Karen J. Immergut
Judge Immergut

County of Multnomah

IN THE NAME OF THE STATE OF OREGON:

COURT ORDER and SEARCH WARRANT AUTHORIZING RELEASE

1 You are hereby commanded to release and present to Detective Anthony Merrill of the
2 Portland Police Bureau and associated representatives for evidence of crimes related to Murder
3 (ORS 163.115), Unlawful Use of a Weapon (ORS 166.220), and Theft (ORS 164.015) all life
4 and or accidental insurance policy records, any audio and/or video recordings of anyone
5 regarding any policies for Daniel Brophy and Nancy Brophy. Any written correspondence
6 between Daniel Brophy and/or Nancy Brophy with the insurance carrier. Any other
7 documentation pertinent to the purchase and collection of life insurance policies for Daniel
8 Brophy. For all policies held by the following nine (9) identified insurance companies in the
9 name of Nancy Lee Crampton Brophy, an adult white female, with date of birth [REDACTED]
10 and social security [REDACTED] and in the name of Daniel Craig Brophy, an adult white male,
11 with date of birth [REDACTED] and social security [REDACTED] for the time period of the
12 origination of each policy to present.:
13

- 14 1) Foresters Insurance with \$40,000 face value benefit located at PO Box 179,
15 Buffalo, NY 14201 – (800)-828-1540;
- 16 2) Fidelity and Guarantee Life Insurance with \$100,000 face value benefit located at
17 PO Box 81497, Lincoln, NE 68501 – (888)-513-8797
- 18 3) Lincoln National Life Insurance with \$100,000 face value benefit located at PO
19 Box 2616, Omaha, NE 68103 – (800)-423-2765;
- 20 4) Mutual of Omaha with \$250,000 face value benefit located at 3300 Mutual of
21 Omaha Plaza, Omaha, NE 68175 – (800)-775-6000;
- 22 5) American-Amicable Life Insurance with \$200,000 face value benefit located at
23 PO Box 2549, Waco, TX 76702 – (800)-736-7311;
- 24 6) Americo Insurance with \$100,000 face value benefit located at PO Box 410288,
25 Kansas, MO 64141 – (800) 231-0801;
- 26 7) SAIF Corporation with \$8,310.51 paid benefits to NANCY BROPHY, (Total

County of Multnomah

IN THE NAME OF THE STATE OF OREGON:

COURT ORDER and SEARCH WARRANT AUTHORIZING RELEASE

1 valuation \$438,984.33t), located at 440 Church Street SE, Salem, OR 97321 – (800)-285-8525;
2 8) Life Map Insurance with \$2,500 face value benefit located at PO Box, 1271,
3 Portland, OR 97207 (SEIU Union) – (800)-286-1129;
4 9) Aviva Life and Annuity Company with an unknown face value located at 611
5 Fifth Avenue, Des Moines, IA 50309 – (800)-800-9882;

6

7 Furthermore, you are commanded to complete the attached declaration of custodian of
8 records and return declaration to Detective Anthony Merrill; And to seize and analyze the
9 aforesaid objects of the search;

10 You are further directed to make return of this warrant to me within ten (10) days after
11 the execution thereof.

12

13 It is further ordered pursuant to ORS 165.657 that the file in this cause be sealed until
14 otherwise ordered by the court.

15

16 ISSUED over my hand on December 19, 2018 at 2:50 a.m. (p.m.)

17

18



Signature of Magistrate

19

20

Circuit Court Judge

Title of Magistrate

21

22

23

24

25

26